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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,703

11/25/2003

Jennifer Farrell

200209668-1

6276

22879 7590 11/13/2009

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EXAMINER

GARCIA, GABRIEL I

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

11/13/2009

ELECTRONIC

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/721,703  
Filing Date: November 25, 2001  
Appellant(s): FARRELL ET AL.

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Arvind R. Reddy  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed on 7/24/09 appealing from the Office action  
mailed on 5/29/09

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence related Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

US 7,296,870 Tyson et al. 10/16/2002

**(9) Grounds of Rejection**

**Part III DETAILED ACTION**

1. Claims 1-4,9-12,16-20 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Tyson et al. (7,296,870).

With regard to claim 1, Tyson et al. teaches receiving a document for printing in an image forming device (**reads on the abstract, which describes a printer that can print a document in color or monochrome**), wherein a print mode setting is associated with the document (**reads on fig. 7, step 702, an evaluation is done associated with the print mode such as printing color pages or monochrome pages**); and printing at least a portion of the document monochromatically or in color

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based upon the print mode setting and a state of a print mode actuator (**e.g. the print mode actuator reads on the printer mode switch of fig. 2**) the switch in the image forming device (**e.g. the printing is performed based on the print mode set by the printer mode switch as depicted in figs. 1-7**), where the print mode actuator includes an application state (e.g. color mode) and a monochromatic override state (reads on col. 3, lines 32-66, wherein the color print mode is the application state and the color document being printed in monochromatic mode to save the color cartridge reads in the override state).

With regard to claim 2, the limitations of claim 2 are covered by the limitations are covered in the limitations of claim 1 above, Tyson et al. further teaches comprises implementing an execution of a monochromatic raster image processing of the document if the print mode setting specifies a monochromatic print setting (**reads on figs. 1 and 2, which depicts how the printing mechanism 108 can print the document based by the mono mode 118 processing being specified by the printer mode switch decision module**).

With regard to claims 3 and 4, Tyson et al. further teaches wherein the print mode actuator (**e.g. the print mode actuator reads on the printer mode switch of fig. 2**) includes at least an application state and a monochromatic override state, and the printing of the at least a portion of the document monochromatically or in color based upon the print mode setting and the state of the print mode actuator in the image forming device further comprises implementing an execution of a color raster image processing of the document if the print mode actuator is in the application state and the print mode setting specifies a color print setting or monochromatic print setting (**reads on figs. 1-3 and [0020], which depicts and describe the use of module application**

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**that checks the state of the print mode and the override state that allows to override and print using the color processing or monochromatic).**

With regard to claims 9-12,16-20 and 24-29, the limitations of claims 9-12,16-20 and 24-29 are covered by the limitations of claims 1-4 above.

2. Claims 5-8,13-15 and 21-23 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach or suggest the limitations of claims 5-8,13-15 and 21-23 in combination with the limitations of the independent claims.

**(10) Response to argument**

*With regard to Applicant's argument that Tyson does not disclose or suggest "the print mode actuator includes at least an application state and a monochromatic override state" as recited in claim 1.* Examiner disagrees with Applicant's conclusion. Examiner asserts that *Tyson* teaches the print mode actuator (reads on the printer mode switch of fig. 2) includes at least an application state (e.g. the application state represent the state of job being processed color mode or monochromatic mode) and a monochromatic override state (reads on col. 3, lines 33-67). Col. 3, lines 54-67, describe how the application state is used as the color mode (else described in col. 4, lines 52-67, describing the state to be color or monochrome). Col. 3, lines 35-39, describe how the print mode switch can be switch to an monochromatic override state, and col. 3, lines 47-49, clearly teach using an alternative or optional mode as the overriding. Clearly *Tyson* teaches having switching mechanism to have different application states such as color and monochromatic, and using an optional mode such as the monochromatic override state to prevent wear out of the color cartridge (see col. 3, lines 54-65). Else, col. 4, lines 53-67, describe how the print mode actuator (or switch) can be software, firmware or hardware (see col. 4, lines 54-56) , and the state application can be color (see col. 4, lines 57-58) and the monochromatic override mode can be set when the color cartridge is going to be wear out (see col. 4, lines 56-63).

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With regard to applicant's argument with respect to claim 9, the same arguments are being presented as claim 1 above. (e.g. Tyson, not teaching the print mode actuator includes at least an application state and a monochromatic override state).

With regard to applicant's argument with respect to claim 16, the same arguments are being presented as claim 1 above; and Tyson teaches the first application state (color) and a second application state (monochromatic). Clearly Tyson teaches having switching mechanism to have different application states such as color and monochromatic (figs 1 and 2) , and using an optional mode such as the monochromatic override state to prevent wear out of the color cartridge (see col. 3, lines 54-65).

With regard to applicant's other argument in pages 11-16, arguments are similar to arguments previously discussed.

#### **(11) Related Proceeding(s) Appendix**

Appeal brief does not identify any related proceeding(s)

#### **(12) Oral Argument**

Appeal brief does not contain any oral arguments.



***Conclusion***

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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